

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

TIM PHILLIPS

Plaintiff,

v.

**CAROLYN W. COLVIN,
Commissioner of Social Security,**

Defendant.

MOSMAN, J.,

No. 3:13-cv-00603-HU

OPINION AND ORDER

On December 1, 2014, Magistrate Judge Hubel issued his Findings and Recommendation (F&R) [18]. Hubel recommends that the final decision of the Commissioner of Social Security be remanded for two reasons: (1) to obtain further vocational testimony regarding the effect of Phillips' mental limitations on his ability to work, and (2) to clarify the reaching requirements of jobs identified by the Vocational Expert (VE). No objections to the Findings and Recommendation were filed.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a *de novo* determination regarding those portions of the report or specified findings or

recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, *de novo* or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Hubel's recommendation and I ADOPT the F&R [18] as my own opinion.

IT IS SO ORDERED.

DATED this 13th day of January, 2015.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge